



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Denial of Verified Claim(s) against the City of Lodi

MEETING DATE: August 4, 2004

PREPARED BY: Risk Management

RECOMMENDED ACTION: To approve by motion action, denial of the following verified Claim filed against the City of Lodi.

(A) Exponent, Inc.

DOL: July 03-February 04

(B) G.R.A.P.E. Video Recording Company DOL: January 2004

BACKGROUND INFORMATION: Following review of verified claims filed against the City of Lodi, it is recommend the City deny the subject claim(s).

FUNDING: None Required

Kirk Evans, Risk Manager

Attachments

cc: City Attorney

APPROVED:

H. Dixon Flynn, City Manager

CITY COUNCIL

LARRY HANSEN, Mayor
JOHN BECKMAN
Mayor Pro Tempore
KEITH LAND
EMILY HOWARD
SUSAN HITCHCOCK

CITY OF LODI

CITY HALL
221 WEST PINE STREET, P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
HUMAN RESOURCES: (209) 333-6704
FAX (209) 333-6816

H. DIXON FLYNN
City Manager

SUSAN J. BLACKSTON
City Clerk

STEPHEN SCHWABAUER
Interim City Attorney

Notice of Claim Rejection

August 5, 2004

Exponent, Inc.
c/o James J. Ficenec
1111 Civic Drive, Suite 300
Walnut Creek, CA 94598

RE: Claim against the City of Lodi
Claimant: Exponent, Inc.
Date of Loss: July 2003-February 2004
Our Claim Number: 907-04

Dear Claimant:

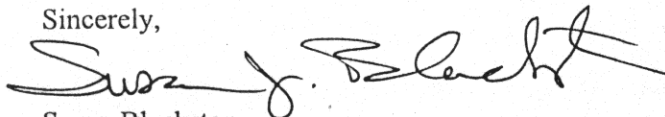
Notice is hereby given that the claim you presented to the City of Lodi on June 23, 2004 was rejected as of the date of this letter.

Notice

Subject to certain exemptions, you have only six (6) months from the date that this notice was personally delivered or deposited in the mail to file a court action on your state law claims. See Government Code §945.6. The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act which does not apply to federal causes of action. Additionally, the Tort Claims Act contains certain exemptions. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

Please also be advised that, pursuant to §128.7 and §1038 of the California Code of Civil Procedure, the City will seek to recover all costs of defense in the event an action is filed in this matter and it is determined that the action was not brought in good faith and with reasonable cause.

Sincerely,



Susan Blackston
City Clerk

cc: Interim City Attorney
DB Claims

CITY COUNCIL

LARRY HANSEN, Mayor
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Interim City Attorney

Notice of Claim Rejection

August 5, 2004

G.R.A.P.E. Video Recording Company
89 W. Neal Street
Pleasanton, CA 94566

RE: Claim against the City of Lodi
Claimant: G.R.A.P.E. Video Recording Company
Date of Loss: January, 2004
Our Claim Number: 908-04

Dear Claimant:

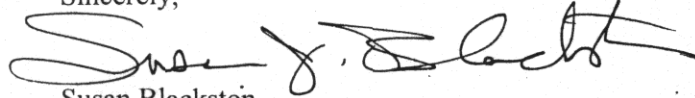
Notice is hereby given that the claim you presented to the City of Lodi on July 6, 2004 was rejected as of the date of this letter.

Notice

Subject to certain exemptions, you have only six (6) months from the date that this notice was personally delivered or deposited in the mail to file a court action on your state law claims. See Government Code §945.6. The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act which does not apply to federal causes of action. Additionally, the Tort Claims Act contains certain exemptions. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

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Sincerely,


Susan Blackston
City Clerk

cc: Interim City Attorney
DB Claims